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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,407	04/14/2005	Manfred Rocssler	10191/3926	8244
26646 7590 01/30/2007 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			EXAMINER MCGRAW, TREVOR EDWIN	
			ART UNIT 3752	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/30/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/531,407

Applicant(s)

ROESSLER ET AL.

Examiner

Trevor McGraw

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/17/2006.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### **Information Disclosure Statement**

Examiner acknowledges the Information Disclosure Statement (IDS) filed 10/17/2006 that includes translations of all foreign patent documents. Examiner is considering the IDS filed 10/17/2006.

### **Rejection under 35 USC § 103**

Applicant's arguments with respect to claims 7-12 have been considered but are moot in view of the new ground(s) of rejection. Examiner brings to Applicant's attention that regardless if the armature face of Gray is milled or processed, it still has dome shaped areas that have raised and recessed areas but lack a coating on the dome shaped raised and recessed areas in helping to prevent hydraulic locking that allows fluid to be present in the raised and recessed areas. A new grounds of rejection is made over Gray (US 4,245,789) as previously cited in view of Maier et al. (US 5,732,888).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray (US 4,245,789) in view of Maier et al. (US 5,732,888).

In regard to claims 7-12, Gray teaches a fuel injector with a solenoid assembly (14), an armature (73) acted upon by a spring (77) in the closing direction, a valve needle (72) that is connected to the armature (73) by force locking where a valve closure member (Figure 1) is formed which forms a sealing seat with a valve needle surface (Figure 1) where the armature stop face (73s) strikes against a stop face (63s) of an inner pole (63) where the surface structure of the armature stop face (73s) and the stop face of the inner pole (63s) have raised and recessed dome shaped areas (Figure 2) at a height difference of 0.4  $\mu\text{m}$  to 0.8  $\mu\text{m}$  for the inner pole stop face (63s) and 0.2  $\mu\text{m}$  to 0.3  $\mu\text{m}$  for the armature stop face (73s). However, Gray fails to teach an armature stop face (73s) being coated with a plurality of chromium layers where the height difference between the raised and recessed dome shaped areas are in a height difference between 5  $\mu\text{m}$  to 10  $\mu\text{m}$ . On the other hand, Maier et al. teaches that it is old and well known in the art to have a coating used with an armature to provide a wear resistance medium for the armature. It would have been obvious to one with ordinary skill in the art at the time of the present invention to modify the armature stop face of Gray to be made with a chromium coating as taught by Maier et al. to provide for a high resistant coating with a multiple layer thickness of raised and recessed dome shaped areas and a height difference between 5  $\mu\text{m}$  and 10  $\mu\text{m}$  so as to ensure that the removal of the raised areas as a result of operational wear is less than the height difference between the raised and recessed areas to prevent an increase in the percentage of true contact area between the stop face surfaces (63s and 73s).

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maier et al. (US 6,824,084), Sumida et al. (US 6,024,302).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trevor McGraw whose telephone number is (571) 272-7375. The examiner can normally be reached on Monday-Friday (2nd & 4th Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (571) 272-4919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Trevor McGraw  
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TEM

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